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Section 5 (A-6) of Proposed Bill For Administration of CIA

1. Subject section of the proposed bill of CIA provides that the Agency shall:

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"Pay the cost of preparation and transportation to their former home in the continental United States or to a place no more distant, the remains of an officer or employee of the Agency who is a citizen of the United States and the members of his family who may die abroad or in travel status and the ordinary cost of interment."



a. The basic statute in regard to the payment of preparation and transportation of the remains and effects of decedent United States overseas employees is the Act of July 8, 1940, Public No. 729, 76th Congress (5 USCA 103 a and b). The Act provides, in the case of employees performing official duties in a foreign country, that the head of the Agency is authorized under regulations prescribed by the President to pay from the available appropriation the "expense of preparing and transporting the remains" of an employee to his home or official station, or such other place as the head of the department concerned shall determine to be the appropriate place of interment. It further provides for the transportation expense of his dependents and states that the benefits shall not be denied even though the deceased employee was on temporary absence from duty at the time of death. Appropriate regulations implementing the act were issued by the President in Executive Order No. 8557. The Executive Order states in Part III, Section 5, that:

"When an employee dies while***on assignment to a post outside the United States, the head of the department concerned shall pay the expenses of preparing the remains of the decedent and of transporting the remains to the home or official station of the decedent or to such other place as the head of the department may designate as the appropriate place of interment, provided that in no case shall the expenses payable be greater than the amount which would have been payable had the place of interment been the home or official station, whichever shall be more distant."

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That the Secretary of State may, under such regulations as he shall prescribe, pay "the cost of preparing and transporting to their former homes in the continental United States or to a place not more distant, the remains of an officer or employee of the Service who is a citizen of the United States and the members of his family who may die abroad or while in travel status." Section 103.607 (u) of the Foreign Service Regulations restricts transportation in the case of full-time permanent personnel to the U. S. residence. For other than full-time personnel, however, "the remains may be transported from any place to any other place."

c. The pertinent provisions of the proposed bill for CIA have been drafted almost verbatim from the clause contained in the Foreign Service Act. Since this restricts the benefits to an officer or employee of the Agency who is a citizen of the United States and provides only for transportation to "former homes in the continental United States or to a place not more distant," it appears that we have added restrictions within the scope authorized by the basic Act of 1940. In order to provide a more liberal authorization which is still in harmony with basic legislation, it is suggested that Section 5 (A-6) of the proposed bill be redrafted to read as follows:

"Pay the cost of preparing and transporting the remains of an officer or employee of the Agency or a member of his family who may die while in travel status or abroad, to the home or official station, or to such other place as the Director may determine to be the appropriate place of interment, provided that in no case shall the expense payable be greater than the amount which would have been payable had the destination been the home or official station, together with payment for the cost of interment.

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